



February 20, 2014

*Via First Class Mail*

Regional Freedom of Information Officer  
U.S. Environmental Protection Agency, Region 3  
1650 Arch Street (3CG10)  
Philadelphia, PA 19103

Re: FOIA Request—Baltimore City Integrated Planning Framework

Dear Freedom of Information Act Officer:

Blue Water Baltimore, Inc. (“BWB”), through its undersigned counsel, requests the following records pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”) and Environmental Protection Agency (“EPA”) regulations, 40 C.F.R. § 2.100, *et seq.*

I. Description of Records Sought

Please identify and produce the following records:

1. Any and all available records pertaining to the Baltimore City Integrated Municipal Stormwater and Wastewater Planning Framework (“IPF”). These records may include, but are not limited to: correspondences, draft and final plans, memoranda, studies, reports, presentations, and other documents germane to the Baltimore City IPF.

II. Request for a Fee Waiver

BWB requests that EPA waive the fee that it would otherwise charge for search and production of the records described in Section I as these disclosures will benefit the public interest. FOIA dictates that requested records be provided without charge “if disclosure of the information is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily for the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii); see also 40 C.F.R. § 2.107(l)(1). The requested disclosure would meet both of these requirements.

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#### A. First Requirement

BWB's requested disclosure is "likely to contribute significantly to public understanding of the operations or activities of the government." 5 U.S.C. § 552(a)(4)(A)(iii). Specifically, the requested disclosure would satisfy the four elements identified at 40 C.F.R. § 2.107(l)(2).

1. The subject matter of the requested records must specifically concern identifiable activities of the government.

BWB's FOIA request seeks records that pertain to activities mandated by the Clean Water Act ("CWA"). EPA's enforcement of the CWA as it relates to EPA's cooperative compliance efforts with municipal governments is an important and identifiable governmental activity. Baltimore City's IPF was created in accordance with EPA's June 5, 2012 draft guidance promoting a more effective, integrated approach for municipal governments to meet their CWA obligations. Baltimore City IPF records thus specifically concern government efforts to ensure compliance with the CWA.

2. For the disclosure to be "likely to contribute" to an understanding of specific government operations or activities, the releasable material must be meaningfully informative in relation to the subject matter of the request.

The releasable material pertaining to Baltimore City's IPF would provide information on compliance-related issues and priorities addressed during the IPF's creation and how the IPF is intended to help resolve Baltimore City's CWA compliance concerns. The releasable material is thus meaningfully informative in relation to the subject matter of the request.

3. The disclosure must contribute to an understanding of the public at large, as opposed to the understanding of the requester or a narrow segment of interested persons.

The topic of this FOIA request relates to matters of public concern. The requested information regarding Baltimore City's IPF will better educate BWB and local citizens about the City's plan to comply with its wastewater and stormwater obligations.

BWB is well-equipped to analyze and disseminate the requested information. BWB is a non-profit organization dedicated to local advocacy on water quality issues. It can disseminate information received to member programs with the suggestion that they further distribute the information to their members and the general public. It can also distribute the information through the state and national media by way of press releases or other documents for general public consumption. Finally, it can disseminate information through its organizational website. The public at large, then, will better understand specific matters of public concern relating to water quality through the requested disclosure.

4. The disclosure must contribute "significantly" to public understanding of government operations or activities.

The public has a substantial interest in improving water quality, particularly with respect to potentially health-threatening pollutants in wastewater. Records responsive to BWB's FOIA request will inform the public about Baltimore City's proposed comprehensive plan to address

water quality issues. The public will also become more aware of EPA's oversight role with regard to facilitating implementation of the CWA at the local municipality level.

#### B. Second Requirement

Disclosure in this case would also satisfy the second prerequisite of a fee waiver request in that BWB has no commercial interest that would be furthered by the requested disclosure. BWB is a not-for-profit organization dependent on volunteer support. As such, it has no commercial interest that would be furthered by the disclosure of the requested records.

#### III. Willingness to Pay Fees Under Protest

In order to prevent delay in EPA's provision of the requested records, BWB states that it will, if necessary and under protest, pay fees in accordance with 40 C.F.R. § 2.107(c)(iv). Such payment will not constitute any waiver of BWB's right to seek administrative or judicial review of any denial of their fee waiver request and/or rejection of their fee category assertion. If fees are not waived, please provide BWB with a detailed estimate of the costs associated with compliance of this request prior to request fulfillment.

#### IV. Conclusion

BWB requests that EPA strictly comply with all relevant deadlines and other obligations set forth in FOIA and the agency's regulations. See e.g., C.F.R. § 2.104(a)-(d) and (f)(i). Please produce the requested records (preferably electronically and in hard copy) by sending them care of Andrew Keir at the address listed below.

Please contact me with any questions. Thank you for your anticipated assistance in this matter.

Sincerely,



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